

2011 DRAFTING REQUEST

Bill

Received: **10/18/2011**

Received By: **mgallagh**

Wanted: **As time permits**

Companion to LRB:

For: **Louis Molepske Jr (608) 267-9649**

By/Representing: **Joanna**

May Contact:

Drafter: **mgallagh**

Subject: **Econ. Development - bus. dev.
Administrative Law**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Molepske@legis.wisconsin.gov**

Carbon copy (CC:) to: **michael.gallagher@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Creation of super-ombudsman a liaison between state agencies and businesses

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mgallagh 12/14/2011	scalvin 02/15/2012		_____			
/P1	mgallagh 02/18/2012	scalvin 02/27/2012	phenry 02/15/2012	_____	ggodwin 02/15/2012		
/1			rschluet 02/27/2012	_____	mbarman 02/27/2012	sbasford 02/27/2012	

FE Sent For:

None

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/P1			phenry 02/15/2012	_____	ggodwin 02/15/2012		
FE Sent For:	/1 sac 2/22/12 + cjs 2/27/12		phenry 02/15/2012 Ksjm 2/27				<END>

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1/2	mgallagh	/PI 01/17/12 sac + cjs	2/15 ph	ph/			

FE Sent For:

<END>

Gallagher, Michael

From: Beilman-Dulin, Joanna
Sent: Tuesday, November 15, 2011 9:04 AM
To: Gallagher, Michael
Cc: Karmel2, Carly
Subject: RE: Business ombudsman draft

Hi Mike:

Thanks for checking in on these issues. I will speak with Rep. Molepske to ask if he wants the ombudsman to be involved in rulemaking and get back to you. As for your primary question, **yes, please do draft the bill to include the provisions below and widen the scope beyond permits.** I will double-check with Rep. Molepske to see if there are any provisions that he does not want included. However I do not expect this to be the case.

If you need anything else, don't hesitate to ask. Thanks!

Joanna

--

Joanna Beilman-Dulin
Research Assistant
Office of Rep. Louis Molepske Jr.
608-267-9649 or 888-534-0071

From: Gallagher, Michael
Sent: Saturday, November 12, 2011 11:53 AM
To: Beilman-Dulin, Joanna
Subject: Business ombudsman draft

Joanna:

I have some questions on the business ombudsman draft. Let me know if I should contact Rep. Molepske directly. Thanks. Mike

My primary question is how much of former subchapter III of chapter 560, Office of Regulatory Assistance, do you want to bring back. Most, if not all, of that material was repealed in the budget. Here is a summary of the material that was there:

1. Office responsibilities related to permits.
 - a. The office of Regulatory Assistance (office) provided assistance to businesses with respect to obtaining and maintaining permits. "Permit" was defined as any approval of an agency that is required as a condition of operating a business in the state.
 - b. The office assisted businesses in identifying required permits and completing applications for those permits, including arranging meetings with agency officials.
 - c. The office served as a liaison between businesses and agencies, authorities, municipalities, and local economic development organizations.
 - d. The office also provided advocacy services before agencies on behalf of permit applicants, including monitoring the approval process and advocating legislative changes to improve and expedite the issuance of permits.
 - e. The office could also provide mediation services between agencies and businesses applying for permits.
 - f. The office was responsible for maintaining a help-line and publicizing its services.

2. Responsibilities of agencies.

- a. Agencies were responsible for designating a staff person to coordinate with the office.
- b. Agencies were required to cooperate with office staff.
- c. Provide the office with written notification of a change to a permit.
- d. Invite office staff to participate in pre-application meetings with the agency and prospective permit applicants.

3. Brownfields redevelopment.

- a. The office was responsible for acting as an ombudsman for brownfields redevelopment projects, including promoting brownfields redevelopment projects and coordinating with agencies regarding brownfields redevelopment.
- b. The office also assisted with brownfield redevelopment grants, which are now under the WEDC under s. 238.13.

Based on our conversation, I think Rep. Molepske probably wants to include most of this but widen the scope beyond permits (although broadly defined) to include other agency administrative actions that impact businesses. Is that correct?

Also, do we want the ombudsman to get involved in the rule-making process in any way and if so, how?

Michael P. Gallagher

Legislative Attorney

Legislative Reference Bureau

(608) 267-7511

michael.gallagher@legis.wisconsin.gov

Gallagher, Michael

From: Beilman-Dulin, Joanna
Sent: Tuesday, November 15, 2011 10:36 AM
To: Gallagher, Michael
Subject: RE: Business ombudsman draft

Hi Mike:

I spoke with Rep. Molepske and he does not want the ombudsman to be involved in rule-making.

Thank you!

Joanna

--
Joanna Beilman-Dulin
Research Assistant
Office of Rep. Louis Molepske Jr.
608-267-9649 or 888-534-0071

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Michael P. Gallagher
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Legislative Reference Bureau
(608) 267-7511
michael.gallagher@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3224/dn
MPG:Y....

PI

- date -

Sac + cjs

X
Representative Molepske:

Please review this draft carefully to ensure that it is consistent with your intent.

The draft places the Office of Business Ombudsman (office) under the Wisconsin Economic Development Corporation (WEDC). With respect to funding the office, do you want to create a new appropriation, specify that the office is to be funded from an existing appropriation for economic development programs administered by WEDC (see s. 20.192 (a) and (r)), or leave it entirely to WEDC to determine how the office will be funded?

Please also see the drafter's notes embedded in the draft, and do not hesitate to contact me with any questions.

Thank you.

Michael P. Gallagher
Legislative Attorney
Phone: (608) 267-7511
E-mail: michael.gallagher@legis.wisconsin.gov



EX: 12/14
State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-3224
MPG:Y....

~~MONDAY~~

SAC + CJS

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

This week

D-Note

Gen Cat

1 AN ACT ...; relating to: creation of the office of the business ombudsman.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2 SECTION 1. 238.09 of the statutes is created to read:

3 **238.09 Office of the business ombudsman.** (1) DEFINITIONS. In this section:

4 (a) "Agency" has the meaning given in s. 227.01 (1).

5 (b) "Brownfields" has the meaning given in s. 238.13 (1) (a).

6 (c) "Brownfields redevelopment" has the meaning given in s. 238.13 (1) (b).

7 (d) "Business" means a sole proprietorship, partnership, limited liability
8 company, joint venture, or corporation.

9 (e) "Office" means the office of the business ombudsman.

H (am) Authority has the meaning given in s. 16.70(2)

1 (f) "Permit" means any approval of an agency required as a condition of
2 operating a business in this state or conducting any business activity in this state.

3 (2) ESTABLISHMENT OF THE OFFICE. (a) The corporation shall establish and
4 operate the office. The office shall serve as a liaison between businesses and
5 agencies, authorities, counties, municipalities, local economic development
6 organizations, and federal regulatory authorities and shall have the goal of
7 improving the conditions for conducting business in this state.

8 (b) The office shall be staffed by at least 3 full-time employees of the
9 corporation.

****NOTE: Is this mandatory size of the office consistent with your intent?

10 (3) AGENCY ENFORCEMENT ACTIONS. With respect to any action taken against a
11 business by an agency to enforce a law or rule administered by the agency, the office
12 shall do all of the following:

13 (a) Upon the written request of a business against which an agency has
14 initiated an enforcement action, investigate the circumstances of that enforcement
15 action and prepare recommendations concerning alternative penalties against the
16 business, if any, that the office believes will achieve regulatory compliance without
17 causing unnecessary hardship to the business.

18 (b) Submit to an agency that initiates an enforcement action against a business
19 all of the following:

20 1. A copy of the written request submitted by the business to the office under
21 par. (a).

22 2. Any recommendations prepared by the office under par. (a).

23 3. A statement requesting that the agency submit to the office within 45 days
24 after receipt of the statement a written response describing the enforcement action

and community development

ultimately taken by the agency, or that the agency intends to take, against the business and what, if any, considerations were made for the business as a result of the office's recommendations prepared under par. (a).

(c) Annually do all of the following:

1. Compile the requests received by the office under par. (a), the submissions made by the office under par. (b), and any communications the office received from enforcing agencies under par. (b).

2. Analyze and evaluate the information under subd. 1. and any other relevant information to determine regulatory enforcement trends and the efficacy of the office in facilitating regulatory relief to and promoting regulatory compliance by businesses.

3. Include the information and findings under subds. 1. and 2. in the office's annual report under sub. (6).

(4) ASSISTANCE CONCERNING PERMITS. (a) The office shall assist businesses to obtain and maintain applicable permits, including by doing all of the following:

1. Explaining the requirements for obtaining a particular permit.

2. Explaining the criteria the appropriate agency applies in making a determination on a permit application and the time period within which the agency will make a determination that will typically be made.

3. Arranging a meeting between the representatives of a business and the staff of the appropriate agency concerning a permit or the permit application process.

4. Tracking the progress of a permit application.

5. Helping a business comply with applicable regulatory laws and rules, including by providing plain-language explanations of those laws and rules.

; authority ; county ; municipality ; or federal ~~regulatory~~ regulatory authority

advocate for permit applicants, including by doing

****NOTE: Are there any other specific actions you want to require that the office take with respect to assisting businesses in the permit process?

(b) The office shall provide advocacy services before agencies on behalf of permit applicants. Those services shall include all of the following: for a permit applicant

1. Monitoring the permit process to ensure that a permit is granted in the shortest amount of time possible consistent with applicable substantive requirements established by rule or law.

2. Advocating legislative changes to improve and expedite the permit process. any

****NOTE: Are there any other specific advocacy actions you want to require that the office take with respect to assisting businesses in the permit process?

(c) The office shall provide mediation or other dispute resolution services to facilitate the resolution of a dispute between an agency and a permit applicant. The provision of mediation or other dispute resolution services under this paragraph does not affect any right that a person may have to a contested hearing under ch. 227. with respect to an agency case

(d) The office may charge for its services provided under this subsection. Any amount the office charges for a service may not exceed the office's actual cost to provide that service.

(e) Nothing in this section relieves any person from the obligation to secure a required permit or satisfy any other legal requirement.

(f) The office shall not be liable for any consequences resulting from the failure of an agency to issue a permit or the failure of a person to seek or obtain a permit.

****NOTE: The statutes, since repealed, with respect to the former office of regulatory assistance authorized that office to refer a person directly to the agency without providing further assistance for any permits required under chs. 186 (credit unions), 215 (savings and loan associations), 217 (seller of checks), 220 to 224 (banking), 440 to 480 (professional licensing), and 600 to 646 (insurance). Do you want to include a similar provision in this draft?

Except for services performed under ~~par.~~ par. (b) 2.;

authority; county; municipality; or federal regulatory authority

(use 2x)

1 (5) PROMOTION OF THE OFFICE'S SERVICES. (a) The office shall maintain and
2 publicize the availability of a toll-free telephone number available to in-state and
3 out-of-state callers.

4 (b) The office shall seek to explain, promote, and publicize its services to the
5 public and shall provide information about its services to agencies for inclusion in
6 informational material that agencies provide to the public.

7 (c) In its publicity efforts under pars. (a) and (b), the office shall clearly
8 represent that its services are advisory, informational, and facilitative only.

9 (6) ANNUAL REPORT. The office shall annually submit to the chief clerk of each
10 house of the legislature for distribution to the appropriate standing committees
11 under s. 13.172 (3) a report concerning the work of the office.

****NOTE: Do you want to include any specific reporting requirements?

12 (7) RESPONSIBILITIES OF AGENCIES. (a) Each agency shall:

- 13 1. Cooperate with the office concerning enforcement actions under sub. (3).
14 2. Designate at least one employee of the agency to coordinate the agency's
15 cooperation with the office, including cooperation under sub. (3), and provide
16 information to the office concerning permits and permit applications.
17 3. Respond promptly to the office concerning a request from the office for
18 information about a permit or permit application or to expedite a permit.
19 4. Include information provided by the office under sub. (5) in any
20 informational material on permits that the agency provides to the public.
21 5. Promptly notify the office and the permit applicant if the agency determines
22 that an application for a permit is incomplete or otherwise defective and provide the
23 permit applicant a reasonable opportunity to correct the defect.

consistent with
this section

1 6. Periodically review and, if appropriate, revise the agency's administrative
2 rules and permit application forms to simplify and expedite the permit process.

3 (b) Each agency shall provide an opportunity for a preapplication meeting with
4 the agency's staff to any business interested in applying for a permit upon request
5 by the business or the office, and shall comply with the following requirements:

6 1. The agency shall ^{be} ~~conduct~~ preapplication meetings in an informal ~~manner~~.

7 2. In any preapplication meeting, the agency shall identify all permits required
8 by the agency for a particular business activity, describe the steps and identify the
9 time period for each step in the permit process, and identify any potential problems
10 the business may encounter in that process.

11 3. The agency shall ^{not. fy / of the office and} invite participation by office staff in ^{any} preapplication
12 meetings.

13 4. The agency shall ^{not. fy / of} ~~publicize~~ the availability of a preapplication meeting to ^{move} ~~any~~
14 ~~business that contacts the agency about a permit.~~

15 (8) OFFICE RESPONSIBILITIES CONCERNING BROWNFIELDS REDEVELOPMENT. (a) The

16 office shall act as an ombudsman for brownfields redevelopment. In that capacity,
17 the office shall do all of the following:

18 (a) 1. Promote brownfields redevelopment and education of the public concerning
19 brownfields redevelopment.

20 (b) 2. Coordinate with agencies, authorities, counties, municipalities, community
21 development ~~corporations~~, and ~~the~~ federal ~~government~~ concerning activities and
22 responsibilities related to brownfields redevelopment. ^{regulatory authorities}

23 (c) 3. With the department of workforce development, coordinate job training
24 related to brownfields redevelopment for unemployed persons who reside in the
25 vicinity of a brownfields redevelopment project.

organizations

local economic development and

pre application
meetings conducted
by

1 (b) The office shall assist in administering the grant program under s. 238.13. ✓

2 **SECTION 2. Effective date.**

3 (1) This act takes effect on the first day of the 4th month beginning after
4 publication.

5 ****NOTE: The effective date gives the Wisconsin Economic Development Corporation three months to establish the office. Is that consistent with your intent?

(END)

DNOTE

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3224/P1dn
MPG:sac&cjs:ph

February 15, 2012

Representative Molepske:

Please review this draft carefully to ensure that it is consistent with your intent.

The draft places the Office of Business Ombudsman (office) under the Wisconsin Economic Development Corporation (WEDC). With respect to funding the office, do you want to create a new appropriation, specify that the office is to be funded from an existing appropriation for economic development programs administered by WEDC (see s. 20.192 (a) and (r)), or leave it entirely to WEDC to determine how the office will be funded?

Please also see the drafter's notes embedded in the draft, and do not hesitate to contact me with any questions.

Thank you.

Michael P. Gallagher
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E-mail: michael.gallagher@legis.wisconsin.gov

2011-2012 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3224/lins
MPG:sac&cjs:ph

and

and federal regulatory agencies (collectively, ^{government entities} government entities)

1

required

ANALYSIS INSERT

requires to establish and operate
move

This bill creates the office of the business ombudsman (office) ^{is} the Wisconsin Economic Development Corporation (WEDC). Under the bill, WEDC is required to establish, operate, and staff the office with at least one full-time employee. The office is to serve as a liaison between businesses and Wisconsin agencies, authorities created by statute, such as the Wisconsin Housing and Economic Development Authority, counties, municipalities, local economic development and community development organizations, and federal regulatory agencies. The bill requires that the primary goal of the office is improve the conditions for conducting business in this state.

2x4
1

Assistance concerning permits.

government entity

5x5

The bill requires the office to assist businesses to obtain and maintain any applicable approval of a state agency, authority, county, municipality, or federal regulatory agency required as a condition of operating a business in Wisconsin or conducting any business activity in Wisconsin (permit). Under the bill, the office's assistance concerning permits must include all of the following:

1. Explaining the requirements for obtaining a particular permit.
2. Explaining the criteria the appropriate state agency, authority, county, municipality, or federal regulatory agency applies in making a determination on a permit application and the time period within which that determination will typically be made.
3. Arranging a meeting between the representatives of a business and the staff of the appropriate state agency, authority, county, municipality, or federal regulatory agency concerning a permit or the permit application process.
4. Tracking the progress of a particular permit application.
5. Helping a business comply with applicable regulatory laws and rules, including by providing plain-language explanations of those laws and rules.

The bill further requires that the office advocate for permit applicants, including by monitoring the permit process to ensure that a permit is granted in the shortest amount of time possible consistent with applicable substantive requirements established by rule or law and advocating legislative changes to improve and expedite any permit process.

Under the bill, the office must also provide mediation or other dispute resolution services to facilitate the resolution of a dispute between a state agency, authority, county, municipality, or federal regulatory agency and a permit applicant. The bill specifies that the office is not liable for any consequences resulting from the failure of a state agency, authority, county, municipality, or federal regulatory agency to issue a permit or the failure of a person to seek or obtain a permit.

Assistance agency enforcement actions.

BE concerning

With respect to state agencies, the bill gives the office the following additional specific responsibilities:

2x4
1

1. Upon the written request of a business, the office must investigate the circumstances of an enforcement action taken by the agency against the business and prepare recommendations concerning alternative penalties against the business, if any, that the office believes will achieve regulatory compliance without causing unnecessary hardship to the business.

2. The office is required to submit to an agency taking such an enforcement action a copy of the written request submitted by the business to the office; a copy of any recommendations prepared by the office with respect to the enforcement action; and a statement requesting that the agency submit to the office within 45 days a written response describing the enforcement action ultimately taken by the agency, or that the agency intends ultimately to take, against the business and what, if any, accommodations were made for the business as a result of the office's recommendations.

3. Annually, the office is required to compile the requests received and submissions made by the office concerning agency enforcement actions and any responses to those submissions the office received from agencies; analyze and evaluate that information and any other relevant information to determine regulatory enforcement trends and the efficacy of the office in facilitating regulatory relief to and promoting regulatory compliance by businesses; and include all of that information and those findings in an annual report to the legislature concerning the work of the office.

State agency responsibilities.

Likewise, the bill requires that state agencies cooperate with the office and with businesses consistent with the bill, including by doing all of the following:

1. Designate at least one agency employee to coordinate the agency's cooperation with the office and provide information to the office concerning the agency's permits and permit applications.

2. Respond promptly to the office concerning a request from the office for information about a permit or permit application or to expedite a permit.

3. Include information provided by the office about the office's services in any informational material on permits that the agency provides to the public.

4. Promptly notify the office and the permit applicant if the agency determines that an application for a permit is incomplete or otherwise defective and provide the permit applicant a reasonable opportunity to correct the defect.

5. Periodically review and, if appropriate, revise the agency's administrative rules and permit application forms to simplify and expedite the agency's permit process.

6. Provide an opportunity for an informal preapplication meeting with the agency's staff to any business interested in applying for a permit.

7. In any such preapplication meeting, identify all permits required by the agency for a particular business activity, describe the steps and identify the time period for each step in the permit process, and identify any potential problems the business may encounter in that process.

concerning permits and the
permit application process

work

6

8. Notify any business that contacts the agency about a permit of the availability of a preapplication meeting and invite participation by office staff in any preapplication meeting.

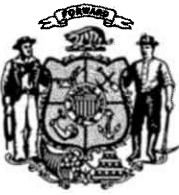
Brownfields redevelopment.

The bill also requires the office to act as an ombudsman for brownfields redevelopment in Wisconsin. Under the bill, brownfields redevelopment consists in any work or undertaking by a person to acquire a brownfields facility or site and to raze, demolish, remove, reconstruct, renovate, or rehabilitate the facility or existing buildings, structures, or other improvements at the site for the purpose of promoting the use of the facility or site for commercial, industrial, or other purposes. A brownfield is an abandoned, idle, or underused industrial or commercial facility or site, the expansion or redevelopment of which is adversely affected by actual or perceived environmental contamination.

In its capacity as ombudsman for brownfields redevelopment, the office must promote brownfields redevelopment and education of the public concerning brownfields redevelopment; coordinate with agencies, authorities, counties, municipalities, local economic development and community development organizations, and federal regulatory agencies concerning activities and responsibilities related to brownfields redevelopment; and, with the Department of Workforce development, coordinate job training related to brownfields redevelopment for persons who are unemployed and reside in the vicinity of a brownfields redevelopment project.

Publicizing the office's services.

Finally, under the bill, the office must maintain and publicize the availability of a toll-free telephone number available to in-state and out-of-state callers, and the office is required to seek to explain, promote, and publicize its services to the public.



In: 2/18/12 saou Thawes
State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-3224/P1
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stays

TODAY

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

inserts

SA✓

Regen Cat

established and
operated by

1 AN ACT to create 238.09 of the statutes; relating to: creation of the office of the
2 business ombudsman. ^{the Wisconsin Economic Development Corporation}

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

Analysis
Insert

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- 3 SECTION 1. 238.09 of the statutes is created to read:
- 4 **238.09 Office of the business ombudsman.** (1) DEFINITIONS. In this section:
- 5 (a) "Agency" has the meaning given in s. 227.01 (1).
- 6 (am) "Authority" has the meaning given in s. 16.70 (2).
- 7 (b) "Brownfields" has the meaning given in s. 238.13 (1) (a).
- 8 (c) "Brownfields redevelopment" has the meaning given in s. 238.13 (1) (b).
- 9 (d) "Business" means a sole proprietorship, partnership, limited liability
- 10 company, joint venture, or corporation.

1 (e) "Office" means the office of the business ombudsman.

2 (f) "Permit" means any approval of an agency, authority, county, municipality,
3 or federal regulatory authority required as a condition of operating a business in this
4 state or conducting any business activity in this state.

5 (2) ESTABLISHMENT OF THE OFFICE. (a) The corporation shall establish and
6 operate the office. The office shall serve as a liaison between businesses and
7 agencies, authorities, counties, municipalities, local economic development and
8 community development organizations, and federal regulatory authorities and shall
9 have the goal of improving the conditions for conducting business in this state.

10 (b) The office shall be staffed by at least 3 full-time employees of the
11 corporation.

****NOTE: Is this mandatory size of the office consistent with your intent?

12 (3) AGENCY ENFORCEMENT ACTIONS. With respect to any action taken against a
13 business by an agency to enforce a law or rule administered by the agency, the office
14 shall do all of the following:

15 (a) Upon written request of the business, investigate the circumstances of the
16 enforcement action and prepare recommendations concerning alternative penalties
17 against the business, if any, that the office believes will achieve regulatory
18 compliance without causing unnecessary hardship to the business.

19 (b) Submit to the agency all of the following:

20 1. A copy of the written request submitted by the business to the office under
21 par. (a).

22 2. Any recommendations prepared by the office under par. (a).

23 3. A statement requesting that the agency submit to the office within 45 days
24 after receipt of the statement a written response describing the enforcement action

1 ultimately taken by the agency, or that the agency intends ultimately to take, against
2 the business and what, if any, accommodations were made for the business as a result
3 of the office's recommendations prepared under par. (a).

4 (c) Annually do all of the following:

5 1. Compile the requests received by the office under par. (a), the submissions
6 made by the office under par. (b), and any responses to those submissions the office
7 received from agencies.

8 2. Analyze and evaluate the information under subd. 1. and any other relevant
9 information to determine regulatory enforcement trends and the efficacy of the office
10 in facilitating regulatory relief to and promoting regulatory compliance by
11 businesses.

12 3. Include the information and findings under subds. 1. and 2. in the office's
13 annual report under sub. (6).

14 (4) ASSISTANCE CONCERNING PERMITS. (a) The office shall assist businesses to
15 obtain and maintain applicable permits, including by doing all of the following:

16 1. Explaining the requirements for obtaining a particular permit.

17 2. Explaining the criteria the appropriate agency, authority, county,
18 municipality, or federal regulatory authority applies in making a determination on
19 a permit application and the time period within which that determination will
20 typically be made.

21 3. Arranging a meeting between the representatives of a business and the staff
22 of the appropriate agency, authority, county, municipality, or federal regulatory
23 authority concerning a permit or the permit application process.

24 4. Tracking the progress of a permit application.

1 5. Helping a business comply with applicable regulatory laws and rules,
2 including by providing plain-language explanations of those laws and rules.

****~~NOTE:~~ Are there any other specific ~~actions~~ you want to require ~~that~~ the office
take with respect to assisting businesses in the permit process? ✓

3 (b) The office shall advocate for permit applicants, including by doing all of the
4 following:

5 1. Monitoring the permit process for a permit applicant to ensure that the
6 permit is granted in the shortest amount of time possible consistent with applicable
7 substantive requirements established by rule or law.

8 2. Advocating legislative changes to improve and expedite any permit process.

****~~NOTE:~~ Are there any other specific advocacy actions ~~you~~ want to require ~~that~~
the office take with respect to assisting businesses in the permit process? ✓

9 (c) The office shall provide mediation or other dispute resolution services to
10 facilitate the resolution of a dispute between an agency, authority, county,
11 municipality, or federal regulatory authority and a permit applicant. The provision
12 of mediation or other dispute resolution services with respect to an agency under this
13 paragraph does not affect any right that a person may have to a contested case
14 hearing under ch. 227.

✓ 15 (d) Except for services performed under par. (b) 2., the office may charge ^{a business} for its
16 services provided under this subsection. Any amount the office charges for a service
17 may not exceed the office's actual cost to provide that service.

18 (e) Nothing in this section relieves any person from the obligation to secure a
19 required permit or satisfy any other legal requirement.

20 (f) The office shall not be liable for any consequences resulting from the failure
21 of an agency, authority, county, municipality, or federal regulatory authority to issue
22 a permit or the failure of a person to seek or obtain a permit.

~~****NOTE: The statutes, since repealed, with respect to the former office of regulatory assistance authorized that office to refer a person directly to the agency without providing further assistance for any permits required under chs. 186 (credit unions), 215 (savings and loan associations), 217 (seller of checks), 220 to 224 (banking), 440 to 480 (professional licensing), and 600 to 646 (insurance). Do you want to include a similar provision in this draft?~~

1 (5) PROMOTION OF THE OFFICE'S SERVICES. (a) The office shall maintain and
2 publicize the availability of a toll-free telephone number available to in-state and
3 out-of-state callers.

4 (b) The office shall seek to explain, promote, and publicize its services to the
5 public and shall provide information about its services to agencies for inclusion in
6 informational material that agencies provide to the public.

7 (c) In its publicity efforts under pars. (a) and (b), the office shall clearly
8 represent that its services are advisory, informational, and facilitative only.

9 (6) ANNUAL REPORT. The office shall annually submit to the chief clerk of each
10 house of the legislature for distribution to the appropriate standing committees
11 under s. 13.172 (3) a report concerning the work of the office.

~~****NOTE: Do you want to include any specific reporting requirements?~~

12 (7) RESPONSIBILITIES OF AGENCIES. (a) Each agency shall:

13 1. Cooperate with the office consistent with this section.

14 2. Designate at least one employee of the agency to coordinate the agency's
15 cooperation with the office consistent with this section and provide information to
16 the office concerning permits and permit applications.

17 3. Respond promptly to the office concerning a request from the office for
18 information about a permit or permit application or to expedite a permit.

19 4. Include information provided by the office under sub. (5) in any
20 informational material on permits that the agency provides to the public.

SECTION 1

1 5. Promptly notify the office and the permit applicant if the agency determines
2 that an application for a permit is incomplete or otherwise defective and provide the
3 permit applicant a reasonable opportunity to correct the defect.

4 6. Periodically review and, if appropriate, revise the agency's administrative
5 rules and permit application forms to simplify and expedite the permit process.

6 (b) Each agency shall provide an opportunity for a preapplication meeting with
7 the agency's staff to any business interested in applying for a permit upon request
8 by the business or the office, and shall comply with the following requirements:

9 1. Preapplication meetings conducted by the agency shall be informal.

10 2. In any preapplication meeting, the agency shall identify all permits required
11 by the agency for a particular business activity, describe the steps and identify the
12 time period for each step in the permit process, and identify any potential problems
13 the business may encounter in that process.

14 3. The agency shall notify the office of and invite participation by office staff
15 in any preapplication meeting.

16 4. The agency shall notify any business that contacts the agency about a permit
17 of the availability of a preapplication meeting.

18 (8) OFFICE RESPONSIBILITIES CONCERNING BROWNFIELDS REDEVELOPMENT. The
19 office shall act as an ombudsman for brownfields redevelopment. In that capacity,
20 the office shall do all of the following:

21 (a) Promote brownfields redevelopment and education of the public concerning
22 brownfields redevelopment.

23 (b) Coordinate with agencies, authorities, counties, municipalities, local
24 economic development and community development organizations, and federal

1 regulatory authorities concerning activities and responsibilities related to
2 brownfields redevelopment.

3 (c) With the department of workforce development, coordinate job training
4 related to brownfields redevelopment for unemployed persons who reside in the
5 vicinity of a brownfields redevelopment project.

6 **SECTION 2. Effective date.**

7 (1) This act takes effect on the first day of the 4th month beginning after
8 publication.

9 ~~****NOTE: The effective date gives the Wisconsin Economic Development Corporation three months to establish the office. Is that consistent with your intent?~~

(END)

Godwin, Gigi

From: Beilman-Dulin, Joanna
Sent: Monday, February 27, 2012 2:28 PM
To: LRB.Legal
Subject: Draft Review: LRB 11-3224/1 Topic: Creation of super-ombudsman a liaison between state agencies and businesses

Please Jacket LRB 11-3224/1 for the ASSEMBLY.